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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,534	11/24/2003	Kavi Mahesh	ORCL.P0070C	4394
23349	7590	10/25/2007		
Stattler-Suh PC 60 SOUTH MARKET SUITE 480 SAN JOSE, CA 95113			EXAMINER STARKS, WILBERT L	
			ART UNIT 2129	PAPER NUMBER
			MAIL DATE 10/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/720,534

Applicant(s)

MAHESH, KAVI

Examiner

Wilbert L. Starks, Jr.

Art Unit

2129

All participants (applicant, applicant's representative, PTO personnel):

(1) Wilbert L. Starks, Jr.

(3) _____

(2) John Stattler, Reg. 36,285.

(4) _____

Date of Interview: 22 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 16-34.

Identification of prior art discussed: Wical (6,061,675).

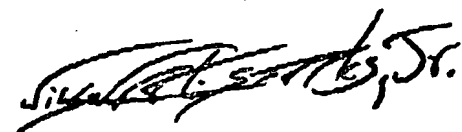
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

WILBERT STARKS
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant's representative called at 9:00 PM in the evening. Examiner happened to be working at that time. Applicant called to ask about a terminal disclaimer that was filed and wanted to know if the case was allowable. Examiner looked at the case and noted that the Terminal disclaimer addresses the double patenting rejections but did not address the 102(e) rejections. Applicant did not antedate the filing date of the prior art nor did he show that the disclosure relied upon was applicant's own work (under MPEP 2136.05 Overcoming a rejection under 35 U.S.C. 102 (e)).

Applicant admitted that each component in the rejection matches the prior art, but that the claim is not anticipated anyway because the structure is different. Examiner asked what part of the structure is different and applicant repeatedly sought to read the entire claim in rebuttal without pointing to any structural differences.

Further, applicant argued elements not in the claim. For example, the fourth clause of claim 16 says "determining whether at least one input term exists as a node in said knowledge base;" However, Applicant verbally changed the wording to include the term "matching" and that the term "matching" was never found in the prior art. Examiner reminded applicant that the term "matching" is not in the claim. Specifically, the claim only determines the existence of the term somewhere in the knowledge base and the prior art did exactly that.

After some further discussion (and further attempts by applicant to recite the entire claim in rebuttal) examiner asked what specific structural element is not in the prior art. Applicant could not answer this question.

Further, Applicant recalled that the 101 rejection had been discussed, but no agreement has ever been reached.

Examiner asked if the claimed invention is a classifier that learns any "term". Applicant agreed. Examiner asked if the "term" could be purely mathematical or logical or anything. After some debate, Applicant agreed. Examiner then noted that if the "terms" are ranges of numbers that are "related" to other ranges of numbers, then the claimed invention merely approximates any arbitrary function. Applicant was not able to convincingly rebut this. It is the basic definition of a mathematical function -- the relation of one set of numbers to another.

Examiner then noted that applicant is, therefore, seeking to patent transforming any data in any way to achieve any result.

Applicant had no convincing rebuttal, since he was unwilling to specify neither the input data, nor the output data, nor any function (i.e. "ontological relationship") that could relate the two sets of data.

Applicant asked the question whether one of the examples from the Specification (i.e., a medical dictionary) would make the claims statutory. Examiner stated yes, that properly claiming a specified practical utility could make the claims statutory. Applicant's representative declined to put such matter in the claims saying that he would have to have multiple patents to cover the material he sought to cover.

Applicant repeatedly made statements that the claims were statutory. Examiner asked what legal standard he was using to make this determination. Applicant cited none and ultimately said that they are statutory because they are "related to technology" and are statutory on a gut level. Examiner said that being "related to technology" is not a legal standard from any court case. Applicant asked what legal standard supports Examiner's view. Examiner recalled that In re Warmerdam, Diamond v. Diehr, and Cochrane v. Deener are directly on point. Midway through the explanation of the relationship between the cases, Applicant interrupted to assert that the claims are statutory, without citing a basis for his argument. Examiner reminded Applicant that without a legal standard to support his position, his argument is purely conclusory and unsupportable.

Agreement was not reached.

Applicant suggested calling Examiner's Supervisor. Examiner agreed with that.